

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LEANTHONY WINSTON,)	Case No.: 1: 24-cv-0837 JLT HBK
)	
Petitioner,)	ORDER DISREGARDING PETITIONER'S
)	UNTIMELY OBJECTIONS AND MOTION TO
v.)	AMEND THE PETITION
)	
B.M. TRATE,)	
)	
Respondent.)	
)	

On August 27, 2024, the magistrate judge issued Findings and Recommendations, recommending the Court dismiss the petition and deny Petitioner's requests for injunctive relief. (Doc. 9.) The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 14 days. (*Id.* at 6.) The Court also advised Petitioner the failure to file timely objections may result in the waiver of rights. (*Id.* citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).)

On September 20, 2024, the Court performed a *de novo* review of the matter, dismissed the petition, and entered judgment. (Docs. 10, 11.) After the Court entered judgment—27 days after the date of service of the Findings and Recommendations—Petitioner submitted objections to the prison mailing system, accompanied by a motion to amend the petition. (Doc. 12 at 5.) Petitioner does not explain his untimely objections and did not seek leave for an extension of time. Although he reports the prison mail was restricted due to a lockdown from August 9 to August 20, 2024 (*id.* at 1), the

1 reported lockdown ended before the Court served its Findings and Recommendations and did not
2 impact Petitioner's ability to timely respond to the Court. Petitioner's untimely objections shall be
3 disregarded. *See, e.g., Tucker v. Hartley*, 2010 U.S. Dist. LEXIS 67000, at *1-2 (E.D. Cal. July 3,
4 2010) (disregarding objections filed by a petitioner as untimely when filed beyond the objection period
5 and after the Court entered judgment). Thus, the Court **ORDERS**:

- 6 1. Petitioner's untimely objections to the Findings and Recommendations are
7 **DISREGARDED**.
- 8 2. The motion for leave to amend is **DISREGARDED**.
- 9 3. The action **SHALL** remain closed.

10
11 IT IS SO ORDERED.

12 Dated: **January 16, 2025**


UNITED STATES DISTRICT JUDGE